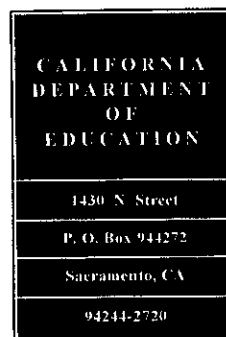




DELAINE EASTIN
State Superintendent of Public Instruction



September 24, 2002

01-AFC-17

CALIF ENERGY COMMISSION

OCT 3 2 2002

RECEIVED IN DOCKETS

Jim Bartridge
Project Manager
California Energy Commission
1516 Ninth Street, M.S. 3000
Sacramento, CA 95814-2950

Re: Preliminary Staff Assessment: Inland Empire Energy Center

Dear Mr. Bartridge:

The California Department of Education (CDE), School Facilities Planning Division, appreciates the opportunity to offer written comments on the Preliminary Staff Assessment (PSA) for the Inland Empire Energy Center (IEEC). We would also like to express our appreciation for the various discussions between CDE and the California Energy Commission (CEC) regarding this matter. These discussions have helped both agencies to better understand our independent roles in the site review process.

While the focus of the PSA is on the IEEC, the project raises a number of school facility siting issues. This matter therefore involves siting decisions concerning – in addition to a power plant – an existing school and candidate new school sites. The School Facilities Planning Division (SFPD) is responsible for approving the siting of proposed new schools and approving construction projects on both existing and new sites. In reviewing proposed school sites and construction projects, CDE considers a wide range of factors, with the overall objective of achieving an appropriate educational environment that will be healthy and safe for students, faculty and staff. Our comments here provide CDE's perspective on the school facilities issues relevant to the IEEC project.

To briefly review some background with which you are already familiar, the IEEC is proposed for an area within the Romoland School District (district). One of the district's existing elementary schools is approximately 1100 feet from the proposed IEEC site. A candidate new school site (known as the Ashby site), which was originally proposed by the district and preliminarily evaluated by CDE before the IEEC was proposed, is approximately 900 feet southwest of the IEEC site.

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K.A.M.

The CDE has been actively engaged in pursuing discussions and reaching decisions and recommendations regarding the Ashby site, other candidate new school sites, and the existing elementary school site. To put CDE's analysis in perspective and in the context of decisions regarding the IEEC, it is important to note that although the processes for siting power plants and schools may be similar in many respects, CDE considers a number of factors in reviewing proposed school sites that are not necessarily elements of CEC's power plant siting evaluation. The power plant siting process involves, for example, a risk assessment to evaluate the potential impact of air emissions from the power plant. By comparison, the new school siting process administered by CDE relies in part on planning guidelines, setback standards and the existence of available alternative sites. Thus school siting decisions are not necessarily dependent on the results of a risk assessment for another nearby project, and may differ somewhat with the conclusions of such a risk assessment.

In the case of the Ashby site, CDE conducted a preliminary assessment in May 2001. On the basis of what was known about the site at the time, CDE rated the site 1 (high) on SFPD Form 4.0. (School Site Review). This ranking was explicitly not a final site approval, and, as clearly indicated on the form, was subject to further evaluation. At the time of this preliminary assessment, CDE was not aware of the possibility that the IEEC would be sited approximately 900 feet from the Ashby site.

Once the IEEC proposal became known, CDE reevaluated the Ashby site and advised the district that the Ashby site should be removed from consideration as a school site if the IEEC was approved as proposed. This decision was based in part on CDE's consistent practice, wherever possible, to site schools at least 1/4 mile away from major industrial facilities such as the IEEC. This practice has been established as part of CDE's effort to ensure that school sites provide an appropriate educational environment and adequately protect health and safety of students, faculty and staff. A decision such as this, however, is not based solely on a project-specific risk assessment.

Along with the proximity of the IEEC to the Ashby site, we considered a number of other factors in determining that the site could not obtain final approval if the IEEC was approved as proposed:

- **Cumulative effects.** We considered the potential effect of impacts attributable to the IEEC in conjunction with impacts from other existing facilities, and reasonably anticipated future development.
- **Availability of alternative sites.** The availability of more alternatives sites is a very important consideration, and there were alternatives to the Ashby site.
- **Mandatory use of school facilities.** Once CDE approves a site and the school is built, families are required to send their children to that location. Under these circumstances, it is essential that we make every effort to insure that the site selected is the best alternative. The CDE, at times, does not approve a proposed school site, if there are preferable alternative sites, even though other nearby infrastructure and development (including residential development) has been authorized by the local land use authority.

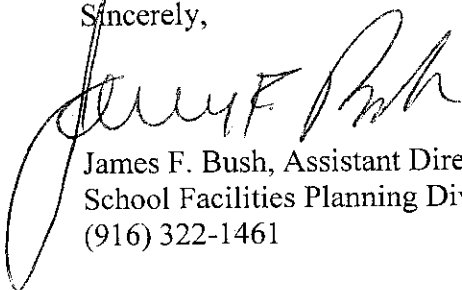
- **Sensitivity of children to environmental factors.** A prudent approach to school facility siting is supported by the fact that children - as toxicologists and other environmental health experts advise - are not small adults and are generally more susceptible than adults to harm from adverse environmental conditions.
- **Environmental justice.** As indicated above, CDE consistently avoids approval of new school sites within 1/4 mile of major industrial facilities, when better alternatives are available, so to approve the Ashby site would be a departure from our practice. Such a departure would not likely be requested in or accepted by an affluent community; and would be inappropriate here from the standpoint of environmental justice, given that information from the district indicates that student population is predominantly minority (60%) and low income (75% below federal and state poverty levels).

In this instance, as outlined in my letter to CEC of January 30, 2002, and reviewed in more detail here, CDE determined that the Ashby site should be removed from consideration for final approval if the IEEC was approved as proposed. In reaching our decision regarding the Ashby site, CDE is not taking exception to the specifics of the risk assessment conducted by the science and health consultants working on the IEEC project with CEC and the project applicant. The CDE not conducted an independent risk assessment or other scientific analysis of the project. Rather, we have evaluated the overall situation and made a judgment based on criteria contained in Title 5 Regulations regarding school site approval and the existence of an acceptable alternative.

As for the existing elementary school site located approximately 1100 feet from the IEEC, if it were being proposed as a new school site, CDE in all likelihood would not approve it as a school site, for the reasons reviewed above regarding the Ashby site. The CDE has recommended to the district that an analysis be conducted of the cumulative impacts at the existing school site of existing facilities, the IEEC, the highway and railroad, and anticipated future development, to determine whether the site meets state standards for abandonment.

Thank you again for working with us on the educational, health and safety issues associated with the IEEC and its potential impacts on the Romoland School District's existing school and proposed school sites. If you have any questions or points you would care to discuss, please call me.

Sincerely,



James F. Bush, Assistant Director
School Facilities Planning Division
(916) 322-1461